

## **AMENDMENTS TO THE CLAIMS**

### **1 - 14 (canceled)**

**15 (currently amended)** An access unit which accesses a record medium, the record medium including a user area for recording user data which is recorded and ~~regenerated~~reproduced based on an instruction given by a user, the access unit comprising:

    a recording section for recording test data in the user area based on a predetermined test condition in the user area during recording of the user data in the user area;

    a reading section for reading the test data recorded in the user area by the recording section; and

    an adjusting section for referring to the test data read by the reading section, and adjusting an access parameter for accessing the record medium,

wherein the recording section is configured to begin recording the test data at a position which is a predetermined radial distance toward an outer circumference of the record medium from a first position in which a first portion of the user data finishes being recorded in the user area, and configured to begin recording a second portion of the user data in a second position which is a predetermined radial distance toward the outer circumference of the record medium from a position in which the test data finishes being recorded.

**16 (previously presented)** The access unit according to claim 15, further comprising a registering section for registering a test-record area in which the test data is recorded within the user area.

**17 (previously presented)** The access unit according to claim 16, wherein the registering section registers the test-record area as a defective area.

### **18 (canceled)**

**19 (canceled)**

**20 (currently amended)** The access unit according to claim 15<sup>19</sup>, further comprising a registering section for registering, as defective areas, a test-record area in which the test data is recorded within the user area, an area from a position in which user data finishes being recorded to a position in which the test data begins being recorded, and an area from a position in which the test data finishes being recorded to a position in which user data begins being recorded.

**21 (canceled)**

**22 (canceled)**

**23 (previously presented)** The access unit according to claim 15, wherein:

the reading section reads user data which is already recorded in the user area;  
a record-state detecting section is further provided for detecting a record state of the user data read by the reading section; and  
the recording section records the test data in the user area, based on a record state which is detected by the record-state detecting section.

**24 (previously presented)** The access unit according to claim 23, wherein the record-state detecting section detects at least one of a jitter value, an asymmetry value, an error rate and an M-index of the user data read by the reading section.

**25 (canceled)**

**26 (currently amended)** An access method for accessing a record medium, the record medium including a user area for recording user data which is recorded and ~~regenerated~~<sup>reproduced</sup> based on an instruction given by a user, said access method comprising:

recording test data in the user area based on a predetermined test condition in the user

area during recording of the user data in the user area, the recording the test data beginning in a position which is a predetermined radial distance toward an outer circumference of the record medium from a first position in which a first portion of the user data finishes being recorded in the user area;

reading the test data recorded in the user area in thesaid recording operation; and

referring to the test data read in the reading operation, and adjusting an access parameter for accessing the record medium; and

recording a second portion of the user data beginning in a second position which is a predetermined radial distance toward the outer circumference of the record medium from a position in which the test data finishes being recorded.

## **27 (currently amended)**

An access unit which includes a recording section for recording data in a record medium that includes a user area for recording user data which is recorded and regeneratedreproduced based on an instruction given by a user, a reading section for reading data from the record medium, and a computer-readable recording medium having recorded thereon an access program for causing the access unit to execute at least the following:

instructing the recording section to record test data in the user area based on a predetermined test condition in the user area during recording of the user data in the user area, the recording the test data beginning in a position which is a predetermined radial distance toward an outer circumference of the record medium from a first position in which a first portion of the user data finishes being recorded in the user area;

instructing the reading section to read the test data recorded in the user area by the recording section; and

referring to the test data read by the reading section, and adjusting an access parameter for accessing the record medium; and

recording a second portion of the user data beginning in a second position which is a predetermined radial distance toward the outer circumference of the record medium from a position in which the test data finishes being recorded.

**28 (currently amended)** A control unit which controls an access unit, the access unit including a recording section for recording data in a record medium and a reading section for reading data from a record medium, the record medium including a user area for recording user data which is recorded and ~~regenerated~~reproduced based on an instruction given by a user, the control unit comprising:

    a record instructing section for instructing the recording section to record test data in the user area based on a predetermined test condition in the user area during recording of the user data in the user area;

    a read instructing section for instructing the reading section to read the test data recorded in the user area by the recording section; and

    an adjusting section for referring to the test data read by the reading section, and adjusting an access parameter for accessing the record medium,

wherein the record instructing section is configured to instruct the recording section to begin recording the test data at a position which is a predetermined radial distance toward an outer circumference of the record medium from a first position in which a first portion of the user data finishes being recorded in the user area, and configured to instruct the recording section to begin recording a second portion of the user data in a second position which is a predetermined radial distance toward the outer circumference of the record medium from a position in which the test data finishes being recorded.

**29 (new)** An access unit which accesses a record medium, the record medium including a user area for recording user data which is recorded and reproduced based on an instruction given by a user, the access unit comprising:

    a recording section for recording test data in the user area based on a predetermined test condition in the user area during recording of the user data in the user area;

    a reading section for referring to the test data recorded in the user area by the recording section; and

    an adjusting section for referring to the test data read by the test data read by the reading

section, and adjusting an access parameter for accessing the record medium,

wherein the recording section is configured to:

begin recording the test data at a position which is a predetermined radial distance toward an outer circumference of the record medium from a first position in which a first portion of the user data finishes being recorded in the user area;

execute a return from a position in which the test data finishes being recorded to the position in which the first portion of the user data finished being recorded, and record user data up to the position in which the test data began being recorded; and

execute a movement from the position in which the test data began being recorded to the position in which the test data finished being recorded, and begin recording of a second portion of the user data from the position in which the test data finished being recorded,

whereby the user data is recorded in the user area other than a test record area in which the test data has been recorded.

**30 (new)** An access method for accessing a record medium, the record medium including a user area for recording user data which is recorded and reproduced based on an instruction given by a user, the access method comprising:

recording test data in the user area based on a predetermined test condition in the user area during recording of the user data in the user area, the recording the test data beginning in a position which is a predetermined radial distance toward an outer circumference of the record medium from a first position in which a first portion of the user data finishes being recorded in the user area;

reading the test data recorded in the user area;

referring to the read test data, and adjusting an access parameter for accessing the record medium;

executing a return from a position in which the test data finishes being recorded to the position in which the first portion of the user data finished being recorded and recording user data up to the position in which the test data began being recorded; and

executing a movement from the position in which the test data began being recorded to

the position in which the test data finished being recorded and recording a second portion of the user data from the position in which the test data finished being recorded,

whereby the user data is recorded in the user area other than a test record area in which the test data has been recorded.

**31 (new)** An access unit which includes a recording section for recording data in a record medium that includes a user area for recording user data which is recorded and reproduced based on an instruction given by a user, a reading section for reading data from the record medium, and a computer-readable recording medium having recorded thereon an access program for causing the access unit to execute at least the following:

instructing the recording section to record test data in the user area based on a predetermined test condition in the user area during recording of the user data in the user area, the recording of the test data beginning in a position which is a predetermined radial distance toward an outer circumference of the record medium from a first position in which a first portion of the user data finishes being recorded in the user area;

instructing the reading section to read the test data recorded in the user area by the recording section;

referring to the test data read by the reading section, and adjusting an access parameter for accessing the record medium;

instructing the recording section to execute a return from a position in which the test data finishes being recorded to the position in which the first portion of the user data finished being recorded and recording user data up to the position in which the test data began being recorded; and

instructing the recording section to execute a movement from the position in which the test data began being recorded to the position in which the test data finished being recorded and recording a second portion of the user data from the position in which the test data finished being recorded,

whereby the user data is recorded in the user area other than a test record area in which the test data has been recorded.

**32 (new)** A control unit which controls an access unit, the access unit including a recording section for recording data in a record medium and a reading section for reading data from a record medium, the record medium including a user area for recording user data which is recorded and reproduced based on an instruction given by a user, the control unit comprising:

    a record instructing section for instructing the recording section to record test data in the user area based on a predetermined test condition in the user area during recording of the user data;

    a read instructing section for instructing the reading section to read the test data recorded in the user area by the recording section;

    an adjusting section for referring to the test data read by the reading section, and adjusting an access parameter for accessing the record medium,

    wherein the record instructing section instructs the recording section to begin recording the test data from a position which is a predetermined radial distance toward an outer circumference of the record medium from a first position in which a first portion of the user data finishes being recorded in the user area, to execute a return from a position in which the test data finishes being recorded to the position in which the first portion of the user data finished being recorded, and record user data up to the position in which the test data began being recorded, and to execute a movement from the position in which the test data began being recorded to the position in which the test data finished being recorded, and begin recording of a second portion of the user data from the position in which the test data finished being recorded,

    whereby the user data is recorded in the user area other than a test record area in which the test data has been recorded.